

Subpart I – Exhibits
Part 600 – Federal Grants and Cooperative Agreements
600.190

AUTHORITIES

The following Federal statutory authorities and assigned Catalog of Federal Domestic Assistance (CFDA) numbers may be available for entering into grants or cooperative agreements with non-Federal parties. See Table 01 with Subpart I – Exhibits, Part 600.190 regarding what actions may be taken under a particular authority.

1. NRCS Soil Survey, Public Law 74-46; Public Law 89-560 (CFDA No. 10.903).
2. NRCS Resource Conservation and Development, Public Law 97-98, 95 Stat. 1213 (CFDA No. 10.901).
3. Soil and Water Conservation, Soil Conservation and Domestic Allotment Act of 1936, as amended, Public Law 74-46, 16 U.S.C. 590 a-f (CFDA No. 10.902).
4. Great Plains Conservation, Soil Conservation and Domestic Allotment of 1936, Public Law 74-46, as amended; Great Plains Act of 1956, Public Law 84-1021; Public Law 86-793; Public Law 91-118; Public Law 96-263; Public Law 101-624. (CFDA No. 10.900).
5. Rural Abandoned Mine Program, Surface Mining Control and Reclamation Act of 1977, Section 406, Public Law 95-87, 91 Stat. 460, 30 U.S.C. 1236; Abandoned Mine Reclamation Act of 1990; Energy Policy Act of 1992. (CFDA No. 10.910).
6. Watershed Surveys and Planning, Public Law 83-566, 68 Stat. 666, as amended; Public Law 84-1018, 70 Stat. 1088; Public Law 85-624, 72 Stat. 563; Public Law 85-865, 72 Stat. 1605; Public Law 86-468, 74 Stat. 131, 132; Public Law 86-545, 74 Stat. 254; Public Law 87-170, 75 Stat. 408; Public Law 87-703, 76 Stat. 608; Public Law 89-337, 79 Stat. 1300; Public Law 90-361, 82 Stat. 250; Public Law 97-98, 95 Stat. 1213; Public Law 99-662, 100 Stat. 4196; Public Law 101-624, 104 Stat. 3359. (CFDA No. 10.906).
7. Environmental Quality Incentives Program, Federal Improvement and Reform Act of 1996, Public Law 104-127, as amended; Food Security Act of 1985, Subtitle D, Title XII, 16 U.S.C. 3830 et seq. (CFDA No. 10.912).
8. Snow Survey and Water Supply Forecasting, Soil Conservation and Domestic Allotment Act of 1936, as amended, Public Law 74-46 (CFDA No. 10.907).
9. Water Bank Program, Water Bank Act, Public Law 91-559, Public Law 96-182. (CFDA No. 10.062).
10. Plant Materials for Conservation, Soil Conservation and Domestic Allotment Act of 1936, as amended, Public Law 74-46. (CFDA No. 10.905).
11. Farmland Protection Program, Federal Agriculture Improvement and Reform Act of 1996, Section 388 (CFDA No. 10.913).

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12. Wetlands Reserve Program, Food Security Act of 1985, Title XII, Public Law 99-198, as amended; Food, Agriculture, Conservation and Trade Act of 1990, Title XIV, Section 1237, Public Law 101-624, 104 Stat. 3584, 7 U.S.C. 3837, as amended; Omnibus Budget Reconciliation Act of 1993; Federal Agriculture Improvement and Reform Act of 1996; Agriculture Appropriations Act of 1997. (CFDA No. 10.072).
13. Watershed Protection and Flood Prevention Act (Operational Phase), Public Law 83-566, 68 Stat. 666, as amended; Public Law 84-1018, 70 Stat. 1088; Public Law 85-624, 72 Stat. 563; Public Law 85-865, 72 Stat. 1605; Public law 86-468, 74 Stat. 131, 132; Public Law 86-545, 74 Stat. 254; Public law 87-170, 75 Stat. 408; Public Law 87-703, 76 Stat. 608; Public Law 89-337, 79 Stat. 1300; Public Law 90-361, 82 Stat. 250; Public Law 92-419, 86 Stat. 667; Public Law 95-113, 91 Stat. 913; Public Law 97-98, 95 Stat. 1213; Public Law 99-662, 100 Stat. 4196; Public Law 101-624, 104 Stat. 3359 (CFDA No. 10.904).
14. Forestry Incentives Program, Cooperative Forestry Assistance Act of 1978, Public Law 95-313 (CFDA No. 10.064).
15. Wildlife Habitat Incentive Program, Federal Improvement and Reform Act of 1996, Public Law 104-127; Food Security Act of 1985, as amended, 16 U.S.C. 3830 et seq. (CFDA No. 10.914).
16. Colorado River Basin Salinity Control Program, Colorado River Basin Salinity Control Act of 1974, as amended, Section 202c of Title II, 43 U.S.C. 1592c; Section 201, Public Law 93-320, 88 Stat. 271; Section 2, Public Law 98-569, 98 Stat. 2933, 43 U.S.C. 1592(c). (CFDA No. 10.070).
17. Emergency Watershed Protection, 33 U.S.C. 701b-1, 16 U.S.C. 2203, 7 CFR 601.1(e)(6)(ii), 7 CFR 624.
18. Conservation Reserve Program, 16 U.S.C. 383-3836, 7 CFR 704, 7 CFR 1410.
19. National Resources Inventory, 16 U.S.C. 2004.

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Table 01. ¹ NRCS Programs and Procurement Authorities ²

Program / Authority	Contracts ³	Financial Assistance ⁴	Other ⁵	Notes
Conservation Technical Assistance (16 USC 590d and 2005)	Yes	Yes ²⁰	Yes	A, B
Soil Survey (16 USC 2004)	Yes	No	Yes	A, B
Snow Survey and Water Forecasting	Yes	No	Yes	A, B
Watershed Surveys and Planning (16 USC 1001-1010, 7 CFR 601.1(e)(5))	Yes	Yes ⁶	Yes	B
Watershed Protection and Flood Prevention ⁷ (16 USC 1001-1010, 33 USC 701b-1, 7 CFR 622)	Yes	Yes	Yes	B
Emergency Watershed Protection 33 USC 701b-1, 16 USC 2203, 7 CFR 601.1(e)(6)(ii), 7 CFR 624	Yes	Yes	Yes	B
Rural Abandoned Mine Program 30 USC 1236, 7 CFR 632	Yes	Yes ⁸	Yes	C
Colorado River Basin Salinity Control 43 USC 1592(c), 7 CFR 601.1(e)(5)	Yes	Yes ⁹	Yes	C
Water Bank 16 USC 1301-1311, 7 CFR 633	Yes	Yes ¹⁰	Yes	C
Forestry Incentive Program 16 USC 2103, 7 CFR 2.61 (16), 7 CFR 701	Yes	Yes ¹¹	Yes	C
Wildlife Habitat Improvement Program 16 USC 3836a, 7 CFR 636	Yes	Yes ¹²	Yes	C
Wetland Reserve Program 15 USC 714 et seq., 16 USC 590a et seq., 16 USC 3837 et seq. 7 CFR 1467	Yes	Yes ¹³	Yes	
Environmental Quality Incentive Program 16 USC 3839aa, 7 CFR 1466	Yes	Yes ¹⁴	Yes	C
Resource Conservation and Development 7 USC 1010-1035	Yes	Yes ¹⁵	No	D
Farmland Protection Program 7 USC 4201 et seq., 16 USC 3830	No	Yes ¹⁶	Yes	
Plant Materials 16 USC 590a et seq.	Yes	No	Yes	
Conservation Reserve Program 16 USC 3831-3836, 7 CFR 704, 7 CFR 1410	Yes	Yes ¹⁷	No	
National Resources Inventory 16 USC 2004	Yes	No ¹⁸	Yes	
Great Plains Conservation Program	Yes	Yes ¹⁹	Yes	C

NOTES.

- A. NRCS policy does not permit the use of appropriated funds for Financial Assistance awards under these programs. However, Technical Assistance funds may be used in “agreements” in order to achieve a mutual goal.
- B. The receipt of funds from a state or local governmental or non-governmental entity is not considered a Cooperative Agreement or a Grant. As noted in the “other” column, such agreements may be referred to as “Contributory Agreements.”

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- C. Although NRCS often calls agreements between the Agency and individual landowners “contracts,” they are actually considered financial assistance under the Federal Grant and Cooperative Agreement Act.
- D. Participating governmental entities and not-for-profit organizations must be within a designated RC&D area.

¹This information is for general guidance only. Program managers should be familiar with their program authorities.

²The Federal Grants and Cooperative Agreements Act of 1977, 31 USC 6301-6308, groups the instruments used to spend Federal funds into Contracts, Cooperative Agreements, and Grants, and defines each as noted elsewhere. All three types of procurement create obligations on the part of the NRCS and are enforceable in court. In this sense, all three types of instruments are “contractual relationships.”

³Contract – Must be used when obtaining goods or services for the direct benefit of the Government. Examples: Office space for employees to carry out program; Meetings to provide training on program delivery or conduct focus group meetings; Obtain land and/or biological surveys used to determine eligibility or participation in Wetland Reserve Program; or Conduct maintenance where NRCS bears the costs such as a SNOWTEL site. Contracts must comply with provisions of the Federal Acquisition Regulations, 48 CFR.

⁴Financial Assistance – Includes Cooperative Agreement and Grants. Financial Assistance awards are used only when the purpose is to stimulate activity authorized by the statute. Cooperative Agreements are used where the NRCS anticipates “substantial involvement” in the planned activity(ies). Grants – Must be used when the purpose is to stimulate activity authorized by statute and “substantial involvement” by NRCS is NOT planned. Must be competed except in certain instances outlined in 7 CFR 3015.158.

⁵Other – Includes agreements with other Federal agencies under the Economy Act; “Contribution Agreements” in which NRCS receives funds from other entities to expedite or expand services already being provided by NRCS (Ex. Accelerated Soil Survey).

⁶Under the Watershed Survey and Planning Program, financial assistance awards may be made to state or local agencies charged with responsibility for the management and control of the applicable watershed.

⁷USDA’s Fiscal Year 1996 Appropriation consolidated the Small Watershed Planning and the River Basin Surveys and Investigations Programs into a new program called the Watershed Surveys and Planning Program (7 CFR 601.1(e)(i)).

⁸Financial Assistance awards may be made to “landowners, residents, and tenants, [] individually or collectively, determined by [the Secretary] to have control for the period of the agreement. 30 USC 1236(a).

⁹The Secretary of Agriculture may establish a voluntary cooperative salinity control program with landowners and may provide technical and cost sharing assistance to owners (individually or as a group) of farm and ranch lands, and to other local governmental and non-governmental entities such as irrigation districts and canal companies. 43 USC 1592(c)(2)(C). Also, the Secretary may carry out related research, demonstrations and education activities. 43 USC 1592 (c)(2)(E). Grants and cooperative agreements with conservation districts, local government agencies, colleges and universities may be used to carry out the activities under this program.

¹⁰Agreements may be entered into with landowners and operators of important migratory waterfowl nesting and breeding areas. 16 USC 1302.

¹¹NRCS may enter into agreements with owners of less than 1,000 acres of private forest land. NRCS is authorized to use conservation districts and state and other federal agencies in the development and installation of practices under the program. 16 USC 1508.

¹²Agreements may be entered into with landowners to develop upland wildlife, wetland wildlife, threatened and endangered species, fish and other types of wildlife habitat 16 USC 3836a(b).

¹³See Wetland Reserve Program Guidance Letter of 08/06/98.

¹⁴Agreements may be entered into cost-sharing agreements with landowners to install conservation measures.

¹⁵NRCS may enter into grants and agreements with approved RC&D councils and/or local governmental entities or non-for-profit entities within approved RC&D areas.

¹⁶Financial assistance is provided to the state organization charged with responsibility for the protection of targeted agricultural lands.

¹⁷Financial assistance may be awarded to eligible landowners.

¹⁸Not envisioned that any type of arrangement between NRCS and a non-federal entity would not involve “substantial participation.”

¹⁹Cost-sharing agreements may be entered into with owners or operators of eligible lands.

²⁰Although NRCS does not have a financial assistance program within CTA, NRCS can use financial assistance instruments to provide technical assistance to recipients.